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DATE FILED: <u>11/17/09</u>	

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X

JOHN WILEY & SONS, INC.,

Plaintiff,

08 CIVIL 7834 (GEL)(DCP)

-against-

SUPAP KIRTSANG D/B/A
BLUECHRISTINE99, et al.,

Defendants.

-----X

JUDGMENT

09,2217

A Jury Trial before the Honorable Donald C. Pogue, United States District Judge, having begun on November 3, 2009, and at the conclusion of the trial, on November 4, 2009, the jury having rendered a verdict in favor of the plaintiff in the amount of \$600,000.00, it is,

ORDERED, ADJUDGED AND DECREED: That the plaintiff have judgment in the sum of \$600,000.00 as against the defendants.

DATED: New York, New York
November , 2009

J. MICHAEL McMAHON

So Ordered:


U.S.D.J. 11/16/09

Clerk of Court

BY:


Deputy Clerk

THIS DOCUMENT WAS ENTERED
ON THE DOCKET ON _____

Extract of Minutes

United States District Court
Southern District of New York

X

John Wiley & Sons, Inc.

v.

Supap Kirtgaeng D/34
Borchstone 99
et al

:

:

:

:

X

(full title of case required, use other side if necessary)

08 Civ 7834

Docket #

Donald C. Dugay

Judge

Appearances : (PLEASE INCLUDE FIRM NAME & TELEPHONE NUMBER)

Plaintiff: William Dunegan Laura Scilippi Dunegan LLC
350 5th Ave New York NY 10118 (212) 332-8300

Defendant: Sam Israel

(212) 201-5345

TRIAL: (JURY) (NON-JURY) BEGUN: 11/3/09
(DATE)

Trial began 11/3 ended 11/4.

11/4 Jury returns verdict in favor of Plaintiff
in the amount of \$600,000.

CLERK

Rebecca Ricci

COURT REPORTER Thomas W. Murray

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

John Wiley & Sons, Inc.,

Plaintiff,

-v.-

Civil Action No. 08 Civ. 7834
(GEL) (DCP)

Supap Kirtsaeng d/b/a
BlueChristine99, et al.,

Defendants.

VERDICT FORM

For each of the eight (8) textbooks, please determine:

(I) whether the Plaintiff proved, by a preponderance of the evidence, that the Plaintiff is the owner of a valid United States copyright on the textbook;

(II) whether the Plaintiff proved, by a preponderance of the evidence, that the Defendant infringed on the Plaintiff's U.S. copyright on the textbook , by

(a) distributing copies of the copyrighted textbook;
and/or by

(b) importing copies of the copyrighted textbook:

(i) vicariously; and/or

(ii) contributorily.

(CONTINUED ON NEXT PAGE)

(III) whether the Plaintiff proved, by a preponderance of the evidence, that the Defendant willfully infringed the textbook copyright -- Please note, as the court instructed before, that you cannot find both that the Defendant's infringement was willful and that the Defendant was not aware and had no reason to believe that his acts constituted infringement because a finding of "yes" on both issues would be contradictory;

(IV) whether the Defendant proved, by a preponderance of the evidence, that the Defendant was not aware and had no reason to believe that his acts constituted infringement of the textbook copyright -- Again, please note that you cannot find both that the Defendant's infringement was willful and that the Defendant was not aware and had no reason to believe that his acts constituted infringement because a finding of "yes" on both issues would be contradictory; and

(V) the amount of statutory damages, if any, to award the Plaintiff as to infringement of the Plaintiff's U.S. copyright on that particular textbook. Please remember to consult the guidelines on statutory damage awards that the court provided in the jury instructions.

Please complete the form below.

(CONTINUED ON NEXT PAGE)

1. Accounting Principles:

(I) Did the Plaintiff prove it owns a valid U.S. copyright as to this textbook? (Yes or No) YES

(II) Did the Plaintiff prove the Defendant infringed the Plaintiff's U.S. copyright on this textbook by:

(a) Distributing copies of this copyrighted textbook? (Yes or No) YES

(b) Importing copies of this copyrighted textbook:

(i) Vicariously? (Yes or No) YES

(ii) Contributorily? (Yes or No) YES

(III) Did the Plaintiff prove the Defendant *willfully* infringed the Plaintiff's U.S. copyright on this textbook? (Yes or No) YES

(IV) Did the Defendant prove he *was not aware and had no reason to believe* that he infringed the Plaintiff's U.S. copyright on this textbook? (Yes or No) NO

(V) Amount of statutory damage to award the Plaintiff: \$ 75,000.00

(CONTINUED ON NEXT PAGE)

2. Fundamentals of Heat and Mass Transfer:

(I) Did the Plaintiff prove it owns a valid U.S. copyright as to this textbook? (Yes or No) Yes

(II) Did the Plaintiff prove the Defendant infringed the Plaintiff's U.S. copyright on this textbook by:

(a) Distributing copies of this copyrighted textbook? (Yes or No) Yes

(b) Importing copies of this copyrighted textbook:

(i) Vicariously? (Yes or No) Yes

(ii) Contributorily? (Yes or No) Yes

(III) Did the Plaintiff prove the Defendant willfully infringed the Plaintiff's U.S. copyright on this textbook? (Yes or No) Yes

(IV) Did the Defendant prove he was not aware and had no reason to believe that he infringed the Plaintiff's U.S. copyright on this textbook? (Yes or No) No

(V) Amount of statutory damage to award the Plaintiff: \$ 75,000.00

(CONTINUED ON NEXT PAGE)

3. Fundamentals of Physics:

(I) Did the Plaintiff prove it owns a valid U.S. copyright as to this textbook?

(Yes or No)

YES

(II) Did the Plaintiff prove the Defendant infringed the Plaintiff's U.S. copyright on this textbook by:

(a) Distributing copies of this copyrighted textbook?

(Yes or No)

YES

(b) Importing copies of this copyrighted textbook:

(i) Vicariously?

(Yes or No)

YES

(ii) Contributorily?

(Yes or No)

YES

(III) Did the Plaintiff prove the Defendant *willfully* infringed the Plaintiff's U.S. copyright on this textbook?

(Yes or No)

YES

(IV) Did the Defendant prove he *was not aware and had no reason to believe* that he infringed the Plaintiff's U.S. copyright on this textbook?

(Yes or No)

No

(V) Amount of statutory damage to award the Plaintiff:

\$ 75,000.00

(CONTINUED ON NEXT PAGE)

4. Information Technology for Management:

(I) Did the Plaintiff prove it owns a valid U.S. copyright as to this textbook?

(Yes or No)

YES

(II) Did the Plaintiff prove the Defendant infringed the Plaintiff's U.S. copyright on this textbook by:

(a) Distributing copies of this copyrighted textbook?

(Yes or No)

YES

(b) Importing copies of this copyrighted textbook:

(i) Vicariously?

(Yes or No)

YES

(ii) Contributorily?

(Yes or No)

YES

(III) Did the Plaintiff prove the Defendant willfully infringed the Plaintiff's U.S. copyright on this textbook?

(Yes or No)

YES

(IV) Did the Defendant prove he was not aware and had no reason to believe that he infringed the Plaintiff's U.S. copyright on this textbook?

(Yes or No)

No

(V) Amount of statutory damage to award the Plaintiff:

\$ 75,000.00

(CONTINUED ON NEXT PAGE)

5. Introduction to Heat Transfer:

(I) Did the Plaintiff prove it owns a valid U.S. copyright as to this textbook?

(Yes or No)

Yes

(II) Did the Plaintiff prove the Defendant infringed the Plaintiff's U.S. copyright on this textbook by:

(a) Distributing copies of this copyrighted textbook?

(Yes or No)

Yes

(b) Importing copies of this copyrighted textbook:

(i) Vicariously?

(Yes or No)

Yes

(ii) Contributorily?

(Yes or No)

Yes

(III) Did the Plaintiff prove the Defendant *willfully* infringed the Plaintiff's U.S. copyright on this textbook?

(Yes or No)

Yes

(IV) Did the Defendant prove he *was not aware and had no reason to believe* that he infringed the Plaintiff's U.S. copyright on this textbook?

(Yes or No)

No

(V) Amount of statutory damage to award the Plaintiff:

\$ 75,000.00

(CONTINUED ON NEXT PAGE)

6. Materials Science and Engineering: An Introduction:

(I) Did the Plaintiff prove it owns a valid U.S. copyright as to this textbook?

(Yes or No) Yes

(II) Did the Plaintiff prove the Defendant infringed the Plaintiff's U.S. copyright on this textbook by:

(a) Distributing copies of this copyrighted textbook?

(Yes or No) Yes

(b) Importing copies of this copyrighted textbook:

(i) Vicariously? (Yes or No) Yes

(ii) Contributorily? (Yes or No) Yes

(III) Did the Plaintiff prove the Defendant *willfully* infringed the Plaintiff's U.S. copyright on this textbook?

(Yes or No) Yes

(IV) Did the Defendant prove he *was not aware and had no reason to believe* that he infringed the Plaintiff's U.S. copyright on this textbook?

(Yes or No) No

(V) Amount of statutory damage to award the Plaintiff:

\$ 75,000.00

(CONTINUED ON NEXT PAGE)

7. Management:

(I) Did the Plaintiff prove it owns a valid U.S. copyright as to this textbook? (Yes or No) Yes

(II) Did the Plaintiff prove the Defendant infringed the Plaintiff's U.S. copyright on this textbook by:

(a) Distributing copies of this copyrighted textbook? (Yes or No) Yes

(b) Importing copies of this copyrighted textbook:

(i) Vicariously? (Yes or No) Yes

(ii) Contributorily? (Yes or No) Yes

(III) Did the Plaintiff prove the Defendant willfully infringed the Plaintiff's U.S. copyright on this textbook? (Yes or No) Yes

(IV) Did the Defendant prove he was not aware and had no reason to believe that he infringed the Plaintiff's U.S. copyright on this textbook? (Yes or No) No

(V) Amount of statutory damage to award the Plaintiff: \$ 75,000.00

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8. Organic Chemistry:

(I) Did the Plaintiff prove it owns a valid U.S. copyright as to this textbook?

(Yes or No) Yes

(II) Did the Plaintiff prove the Defendant infringed the Plaintiff's U.S. copyright on this textbook by:

(a) Distributing copies of this copyrighted textbook?

(Yes or No) Yes

(b) Importing copies of this copyrighted textbook:

(i) Vicariously?

(Yes or No) Yes

(ii) Contributorily?

(Yes or No) Yes

(III) Did the Plaintiff prove the Defendant *willfully* infringed the Plaintiff's U.S. copyright on this textbook?

(Yes or No) Yes

(IV) Did the Defendant prove he *was not aware and had no reason to believe* that he infringed the Plaintiff's U.S. copyright on this textbook?

(Yes or No) No

(V) Amount of statutory damage to award the Plaintiff:

\$ 75,000.00

11/4/2009

DATE


R. M. K.
FOREPERSON SIGNATURE